

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Case No. 22-cr-180 (JNE/TNL)

Plaintiff,

v.

ORDER

Anthony Lee Hitchcock,

Defendant.

This matter comes before the Court on the Defendant Anthony Lee Hitchcock's Motion for Extension of Time to File Pretrial Motions, ECF No. 15. Defendant seeks a one-week extension of time, up to and including September 19, 2022, to file pretrial motions. The Government has no objection to Defendant's request.

Additionally, beginning on March 13, 2020, and continuing thereafter, the Chief District Judge for the United States District Court for the District of Minnesota, has issued a series of General Orders in connection with the COVID-19 pandemic, addressing, among other things, criminal proceedings and trials.¹ On June 1, 2022, the Chief Judge entered General Order No. 36, which allows limited in-person proceedings for defendants who decline to consent to conducting the proceeding using videoconferencing, or telephone conferencing if videoconferencing is not reasonably available. *See generally In re: Updated Guidance to Court Operations Under the Exigent Circumstances Created by*

¹ All General Orders related to the COVID-19 pandemic may be found on the Court's website at <https://www.mnd.uscourts.gov/coronavirus-covid-19-guidance>.

COVID-19, Gen. Order No. 36 (D. Minn. June 1, 2022). General Order No. 36 states that because only limited in-person proceedings may be held each day, criminal proceedings may be continued until the date that the criminal proceeding takes place.

General Order No. 36 continues to encourage the use of videoconferencing in criminal proceedings and states that, with the defendant's consent, criminal proceedings will be conducted by videoconferencing, or telephone conferencing if videoconferencing is not reasonably available.² General Order No. 36 further provides that the presiding judge will enter orders in individual cases to extend deadlines and exclude time under the Speedy Trial Act to address delays attributable to COVID-19. **Accordingly, should Defendant file pretrial motions, counsel shall also file a letter indicating whether Defendant consents to a motions hearing by videoconference.** *See also* ECF No. 12.

Based on all the files, records, and proceedings herein, and for good cause shown, **IT IS HEREBY ORDERED** that:

1. Defendant's Motion for Extension of Time to File Pretrial Motions, ECF No. 15, is **GRANTED**.
2. All motions in the above-entitled case shall be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **September 19, 2022**. D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses shall be delivered directly to the chambers of Magistrate Judge Leung.

² *See also* General Order No. 37, which went into effect on June 19, 2022, vacated General Order No. 35, and extended the Court's authorization to conduct certain criminal proceedings via video or telephone conference pursuant to the CARES Act "[b]ecause the emergency created by the COVID-19 outbreak continues to materially affect the functioning of court operations in the District of Minnesota." *In re: Updated Guidance to Court Operations Under the Exigent Circumstances Created by COVID-19*, Gen. Order No. 37 (D. Minn. June 17, 2022).

3. **Should Defendant file pretrial motions, counsel shall also file a letter on or before September 19, 2022, indicating whether Defendant consents to a motions hearing by videoconference. See also ECF No. 12.**

4. Counsel shall electronically file a letter on or before **September 19, 2022**, if no motions will be filed and there is no need for hearing.

5. All responses to motions shall be filed by **October 3, 2022**. D. Minn. LR 12.1(c)(2).

6. Any Notice of Intent to Call Witnesses shall be filed by **October 3, 2022**. D. Minn. LR 12.1(c)(3)(A).

7. Any Responsive Notice of Intent to Call Witnesses shall be filed by **October 5, 2022**. D. Minn. LR 12.1(c)(3)(B).

8. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The government makes timely disclosures and a defendant pleads particularized matters for which an evidentiary hearing is necessary;
or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

9. The motions hearing, if required, shall take place before the undersigned as previously scheduled on **October 6, 2022, at 10:00 a.m.**,³ in Courtroom 9W, Diana E.

³ By e-mail correspondence, the Court inquired as to whether the parties wanted to keep the October 6 hearing date or continue the hearing, and Defendant elected to keep the October 6 hearing date.

Murphy U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota. D. Minn. LR
12.1(d).

10. **TRIAL:**

- a. **IF NO PRETRIAL MOTIONS ARE FILED BY A DEFENDANT, the following trial and trial-related dates are:**

All voir dire questions and jury instructions and trial related motions (including motions in limine) must be submitted to District Judge Joan N. Ericksen on or before **October 17, 2022**.

This case must commence trial on **October 24, 2022, at 9:30 a.m.** before District Judge Ericksen in Courtroom 12W, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota.

- b. **IF PRETRIAL MOTIONS ARE FILED, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for District Judge Ericksen to confirm the new trial date.**

Dated: September 8, 2022

s/ Tony N. Leung
TONY N. LEUNG
United States Magistrate Judge
District of Minnesota

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